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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
YOUNG, JOHN L	

ART UNIT	PAPER NUMBER
3622	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/339,325	Applicant(s) SHOHAM ET AL.	
	Examiner John L Young	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 December 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,9-13 and 15-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *9-13 and 22* is/are allowed.

6)☒ Claim(s) *1-7 and 15-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER
7-2005

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *3/7/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

REJECTION ON RCE

(Paper# 03/07/2005)

1. **Claims 1-7, 9-13 & 15-22 are pending.**

DRAWINGS

2. This application has been filed with drawings that are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

CLAIM 22: REJECTION MAINTAINED – Non-Statutory Type Double Patenting

3. **As per claim 22, the Non-Statutory Type Double Patenting Rejection is maintained because, although a Terminal Disclaimer was filed on 12/02/2004, the Special Program Examiner of Technology Center 3600 has not filed a determination of compliance with 35 U.S.C. 253 and 37 CFR 1.321 and 3.73 and 1.20(d).**

CLAIM REJECTIONS – Non-Statutory Type Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or

improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 22 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,285,989 to Shoham (herein referred to as "Shoham' 989"). The conflicting claim of the instant application is broader and therefore not identical to corresponding claims 1 & 3 of Shoham' 989; however, the instant application if allowed, would improperly extend the right to exclude already granted in U.S. Patent to Shoham' 989.

As per claim 1 of the instant application, the subject matter claimed is fully disclosed in U.S. Patent to Shoham' 989 (col. 4, ll. 40-55; and whole document) for example, the instant application is claiming substantially common subject matter, which amounts to an obvious variation of the subject matter claimed in Shoham' 989.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Shoham' 989 cited above implicitly shows the "universal auction specification system" as claimed in claim 22 of the instant application; and it would have been obvious to modify and interpret the disclosure of Shoham' 989 cited above as showing the "universal auction specification system" as claimed in claim 22 of the instant application because modification and interpretation of the cited disclosure of Shoham' 989 would have provided means for *"designing and deploying an interactive, real-time, universal on-line trading market system serving traders communicating via the Internet."* (See Shoham' 989 (col. 4, ll. 35-55).

For the reasons stated above, independent claim 22 in the instant application to Shoham is rejected based on allowed claims 1 & 3of Shoham' 989 pursuant to the judicially created nonstatutory double patenting doctrine grounded in public policy to prevent the unjustified or improper timewise extension of the right to exclude.

CLAIM REJECTIONS — 35 U.S.C. §103(a)

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.

5. Claims 1-7 & 15-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Friedland 6,449,601 (09/10/2002) [US f/d: 12/30/1998] (herein referred to as "Friedland") in view of Tilfors 6,405,180 (06/11/2002) [US f/d: 11/05/1998] (herein referred to as "Tilfors") and further in view of Ferstenberg US 5,873,071 (02/16/1999) [US f/d: May. 15, 1997] (herein referred to as " Ferstenberg").

As per claim 1, Friedland (col. 2, ll. 65-67; the ABSTRACT; FIG. 14; FIG. 17; FIG. 16; FIG. 18; FIG. 5; FIG. 6; FIG. 7; FIG. 10; FIG. 12; FIG. 13; col. 2, ll. 42-65; col. 8, ll. 27-50) shows: "A universal auction system having a programmable auction server the programmable auction server comprising: a plurality of auction modules to be configured by a user to deploy the universal auction system, wherein at least one auction module corresponds to at least one function of an auction selected from the group consisting of a bid verifier to determine the eligibility of one of a plurality of traders to the universal auction system based on previous auction history, **[or]** an information manager to provide information to be released by the universal auction system based on an auction classification, **[or]** a clearer to implement a clearing calculation based on a discriminating allocation policy associated with the one of the plurality of traders, **[or]** a bid transformer to automatically transform a submitted bid for an item of the one of the plurality of traders during the auction, the transformation being based on the allocation discriminating policy associated with the one of the plurality of traders, wherein the transformed bid is to be compared to bids received from the plurality of traders other than the one of the plurality of traders to determine whether the transformed bid is successful,

wherein the submitted bid indicates an amount due for the item when the transformed bid is successful, and wherein the submitted bid is a different value relative to the transformed bid; and **[or]** a proxy bidder to automatically submit a bid of the one of the plurality of traders."

"Official Notice" is taken that both the concepts and the advantages of the elements and limitations of "wherein the submitted bid is a different value relative to the transformed bid. . . ." were well known and expected in the art by one of ordinary skill at the time of the invention because it would have been intuitive that the term "transformation" denotes "a different value" and because such concepts and advantages would have provided means for *"intermediated exchange that is capable of facilitating exchanges of multiple commodities for multiple participants. . . ."* (see Ferstenberg (col. 2, ll. 59-65)) and such concepts and advantages would have provided means for *"an automated exchange system having functionality which makes it possible for market makers to act differently with respect to different counterparts and which therefore can cope with situations where . . . . market makers . . . enter two way quotes having a very small spread without taking the risk of making undesired matches. . . ."* (see Tilfors (col. 1, ll. 65-67; and col. 2, ll. 1-5)).

Friedland lacks explicit recitation of "a clearer to implement a clearing calculation based on a discriminating allocation policy associated with the one of the plurality of traders, **[or]** a bid transformer to automatically transform a submitted bid for an item of the one of the plurality of traders during the auction, the transformation being

based on the allocation discriminating policy associated with the one of the plurality of traders, wherein the transformed bid is to be compared to bids received form the plurality of traders other than the one of the plurality of traders to determine whether the transformed bid is successful, wherein the submitted bid indicates an amount due for the item when the transformed bid is successful. . . ."

Tilfors (col. 2, ll. 10-11; col. 2, ll. 17-18; col. 2, ll. 57-58; col. 3, ll. 5-6; col. 3, ll. 25-30; col. 3, ll. 50-51; col. 4, ll. 1-5; and col. 6, ll. 60-67) discloses: *"different counter parts. . . ."* in an automated trading arena. In this case, the Examiner interprets *"different counter parts. . . ."* as "a plurality of traders."

Tilfors (col. 2, ll. 15-16) discloses *"pre-defined parameters will have new orders automatically generated by the system and that a market maker can act differently with respect to different counterparts."* The Examiner interprets this disclosure as showing "the allocation discriminating policy associated with the one of the plurality of traders. . . ."

Tilfors (FIG. 1 through FIG. 4; the ABSTRACT; col. 1, ll. 15-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 1-67; and col. 6, ll. 1-67) shows wherein the transformed bid is to be compared to bids received from the plurality of traders other than the one of the plurality of traders to determine whether the transformed bid is successful. . . ."

Tilfors proposes "bid adjustment" modifications that would have applied to the system of Friedland. It would have been obvious to a person of ordinary skill in the art at

the time of the invention to combine the disclosure of Tilfors with the teachings of Friedland because such combination would have provided means so *"the market maker can have reduced volume (risk) when trading with firms. . . ."* (see Tilfors (col. 2, ll. 55-60)) and such combination would have provided means for *"an automated exchange system having functionality which makes it possible for market makers to act differently with respect to different counterparts and which therefore can cope with situations where . . . . market makers . . . enter two way quotes having a very small spread without taking the risk of making undesired matches. . . ."* (see Tilfors (col. 1, ll. 65-67; and col. 2, ll. 1-5)).

Ferstenberg (FIG. 2; and FIG. 4) shows an *"E-AGENT* [and] *INTERMEDIARY."* The Examiner interprets this disclosure as showing an automated proxy bidder."

Ferstenberg (FIG. 7; FIG. 8; and col. 11, ll. 35-55) shows an *"ALLOCATION FUNCTION."* The Examiner interprets this disclosure as showing an allocation policy.

Ferstenberg proposes "proxy bidder" and "allocation policy" modifications that would have applied to the system of Friedland. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Ferstenberg with the teachings of Friedland because such combination would have provided means for *"intermediated exchange that is capable of facilitating exchanges of multiple commodities for multiple participants. . . ."* (see Ferstenberg (col. 2, ll. 59-65)).

NOTE: As per dependent claims 2-7, Applicant's arguments fail to seasonably

challenge the Official Notice evidence presented in the prior Office action; therefore, the rejections of claims 2-7 are repeated herein:

As per dependent claims 2-7, Friedland in view of Tilfors and Ferstenberg shows the system of claim 1 and subsequent claims depending from claim 1.

Friedland in view of Tilfors and Ferstenberg implicitly shows the elements and limitations of claims 2-7.

Friedland in view of Tilfors and Ferstenberg lacks explicit recitation of the elements and limitations of claims 2-7.

"Official Notice" is taken that both the concepts and the advantages of the elements and limitations of claims 2-7 were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and advantages would have provided means for *"intermediated exchange that is capable of facilitating exchanges of multiple commodities for multiple participants. . . ."* (see Ferstenberg (col. 2, ll. 59-65)) and such concepts and advantages would have provided means for *"an automated exchange system having functionality which makes it possible for market makers to act differently with respect to different counterparts and which therefore can cope with situations where . . . . market makers . . . enter two way quotes having a very small spread without taking the risk of making undesired matches. . . ."* (see Tilfors (col. 1, ll. 65-67; and col. 2, ll. 1-5)).

As per claim 15, Friedland (col. 2, ll. 65-67; the ABSTRACT; FIG. 14; FIG. 17;

FIG. 16; FIG. 18; FIG. 5; FIG. 6; FIG. 7; FIG. 10; FIG. 12; FIG. 13; col. 2, ll. 42-65; col. 8, ll. 27-50) shows: "A method of designing a universal auction system comprising: receiving at least one market protocol from a market specification console, the at least one market protocol to define a function of the universal auction system, generating a plurality of auction modules in a programmable auction server base don the at least one market protocol received, wherein at least one auction module corresponds to at least one function of an auction selected from the group consisting of a bid verifier to verify a submitted bid, **[or]** an information manager to provider[sic] information of the submitted bid, **[or]** a bid transformer, **[or]** a clearer to clear an auction; and implementing at least one transaction selected from the group consisting of a bid verification **[or]** a bid transformation, wherein the bid transformation is based upon one of a predetermined set of discriminating allocation market protocols and the bid transformer to automatically transform a submitted bid for an item of one of a plurality of traders during an auction, the transformation being based on the discrimination allocation policy associated with the one of the plurality of traders, wherein the transformed bid is to be compared to bids received from the plurality of traders other than the one of the plurality of traders to determine whether the transformed bid is successful, wherein the submitted bid indicates an amount due for the item when the adjusted bid is successful. . . ."

"Official Notice" is taken that both the concepts and the advantages of the elements and limitations of "wherein the submitted bid is a different value relative to the transformed bid. . . ." were well known and expected in the art by one of ordinary skill at

the time of the invention because it would have been intuitive that the term "transformation" denotes "a different value" and because such concepts and advantages would have provided means for *"intermediated exchange that is capable of facilitating exchanges of multiple commodities for multiple participants. . . ."* (see Ferstenberg (col. 2, ll. 59-65)) and such concepts and advantages would have provided means for *"an automated exchange system having functionality which makes it possible for market makers to act differently with respect to different counterparts and which therefore can cope with situations where . . . . market makers . . . enter two way quotes having a very small spread without taking the risk of making undesired matches. . . ."* (see Tilfors (col. 1, ll. 65-67; and col. 2, ll. 1-5)).

Friedland lacks explicit recitation of "a clearer to clear an auction . . . **[or]** a bid transformer, wherein the bid transformation is based upon one of a predetermined set of discriminating allocation market protocols and the bid transformer to automatically transform a submitted bid for an item of one of a plurality of traders during an auction, the transformation being based on the discrimination allocation policy associated with the one of the plurality of traders, wherein the transformed bid is to be compared to bids received form the plurality of traders other than the one of the plurality of traders to determine whether the transformed bid is successful."

Tilfors (col. 2, ll. 10-11; col. 2, ll. 17-18; col. 2, ll. 57-58; col. 3, ll. 5-6; col. 3, ll. 25-30; col. 3, ll. 50-51; col. 4, ll. 1-5; and col. 6, ll. 60-67) discloses: *"different counter parts. . . ."* in an automated trading arena. In this case, the Examiner interprets

"different counter parts. . . ." as "a plurality of traders."

Tilfors (col. 2, ll. 15-16) discloses *"pre-defined parameters will have new orders automatically generated by the system and that a market maker can act differently with respect to different counterparts."* The Examiner interprets this disclosure as showing "the discrimination allocation policy associated with the one of the plurality of traders. . . ."

Tilfors (FIG. 1 through FIG. 4; the ABSTRACT; col. 1, ll. 15-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 1-67; and col. 6, ll. 1-67) shows "wherein the transformed bid is to be compared to bids received from the plurality of traders other than the one of the plurality of traders to determine whether the transformed bid is successful. . . ."

Tilfors proposes "bid adjustment" modifications that would have applied to the system of Friedland. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Tilfors with the teachings of Friedland because such combination would have provided means so *"the market maker can have reduced volume (risk) when trading with firms. . . ."* (see Tilfors (col. 2, ll. 55-60)) and such combination would have provided means for *"an automated exchange system having functionality which makes it possible for market makers to act differently with respect to different counterparts and which therefore can cope with situations where . . . . market makers . . . enter two way quotes having a very small spread without taking the risk of making undesired matches. . . ."* (see Tilfors (col. 1, ll. 65-67; and col.

2, ll. 1-5)).

Ferstenberg (FIG. 7; FIG. 8; and col. 11, ll. 35-55) shows an *"ALLOCATION FUNCTION."* The Examiner interprets this disclosure as showing an allocation policy.

Ferstenberg proposes "allocation policy" modifications that would have applied to the system of Friedland. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Ferstenberg with the teachings of Friedland because such combination would have provided means for *"intermediated exchange that is capable of facilitating exchanges of multiple commodities for multiple participants. . . ."* (see Ferstenberg (col. 2, ll. 59-65)).

NOTE: As per dependent claims 16-21, Applicant's arguments fail to seasonably challenge the Official Notice evidence presented in the prior Office action; therefore, the rejections of claims 16-21 are repeated herein:

As per dependent claims 16-21, Friedland in view of Tilfors and Ferstenberg shows the method of claim 15 and subsequent claims depending from claim 15.

Friedland in view of Tilfors and Ferstenberg implicitly shows the elements and limitations of claims 16-21.

Friedland in view of Tilfors and Ferstenberg lacks explicit recitation of the elements and limitations of claims 16-21.

"Official Notice" is taken that both the concepts and the advantages of the

elements and limitations of claims 16-21 were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and advantages would have provided means for *"intermediated exchange that is capable of facilitating exchanges of multiple commodities for multiple participants. . . ."* (see Ferstenberg (col. 2, ll. 59-65)) and such concepts and advantages would have provided means for *"an automated exchange system having functionality which makes it possible for market makers to act differently with respect to different counterparts and which therefore can cope with situations where . . . . market makers . . . enter two way quotes having a very small spread without taking the risk of making undesired matches. . . ."* (see Tilfors (col. 1, ll. 65-67; and col. 2, ll. 1-5)).

ALLOWABLE SUBJECT MATTER

5. Claims 9-13 & 22 contain allowable subject matter.

Friedland having a filing date of December 30, 1998, does not antedate the effective filing date of the present application for independent claim 22. The present application claims priority to U.S. application 09/131,048 now issued patent number 6,285,989 filed August 7, 1998. Therefore, the effective filing date of the instant application obviates the obviousness rejection of claim 22 in the prior Office action.

Claims 9-13 are allowable because said claims depend from claim 22 or base claims depending from claim 22.

RESPONSE TO ARGUMENTS

6. Applicant's arguments (Amendment, filed 12/02/2004) have been fully considered but they are not persuasive for the following reasons:

As per independent claims 1 & 15, in response to Applicant's argument that the Examiner's conclusion of obviousness is base upon impermissible hindsight, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the Applicant's disclosure, such reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In this case, the obviousness rejections clearly take into account knowledge which was within the level of ordinary skill at the time the claimed invention was made, and furthermore, said obviousness rejections do not glean any knowledge form Applicant's disclosure.

As per independent claims 1 & 15, in response to Applicant's argument that the applied references do not teach or suggest a combination with each other, it is recognized

that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to combine found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the obviousness rejections in the Office actions at issue explicitly recite teachings and motivation to combine taken from the references themselves, and said obviousness rejections explicitly recite reliance on the knowledge of a person of ordinary skill in the art at the time of the invention.

As per dependent claims 2-7 and 16-21, Applicant's arguments amount to a general allegation that said claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references; furthermore,

Applicant's arguments fail to seasonably challenge the Official Notice evidence used in the obviousness rejections of dependent claims 2-7 and 16-21; therefore, Official Notice evidence is constructively admitted prior art by the Applicant.

Applicant's argument is silent as to an adequate traversal of Official Notice evidence.

It is well settled that "To adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner's action, which would include

stating why the noticed fact is not considered to be common knowledge or well-known in the art. See 37 CFR 1.111(b). See also *Chevenard*, 139 F.2d at 713, 60 USPQ at 241 {(CCPA)} ('[I]n the absence of any demand by appellant for the examiner to produce authority for his statement, we will not consider this contention.'). A general allegation that the claims define a patentable invention without any reference to the examiner's assertion of official notice would be inadequate." (See MPEP 2144.03(B)(C) Reliance on Common Knowledge in the Art or "Well Known" Prior Art 8 ed., May 2004, pp. 2100-137 and 2100-138).

In this instance, Applicant's Response fails to demand any reference in support of the Official Notice evidence cited by the Examiner in the prior Office Action. And, Applicant's Response lacks adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the Official Notice and thereby fails to adequately traverse the Official Notice rejections of the instant invention. Therefore, the Official Notice evidence presented in the prior Office Action is deemed admitted and no further references are required to support said Official Notice evidence.

Applicant's amendment necessitated any new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

CONCLUSION

7. Any response to this action should be mailed to:

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

(703) 746-7239 or (703) 872-9314 (for formal communications EXPEDITED PROCEDURE) or (703) 746-7239 (for formal communications marked AFTER-FINAL) or (703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

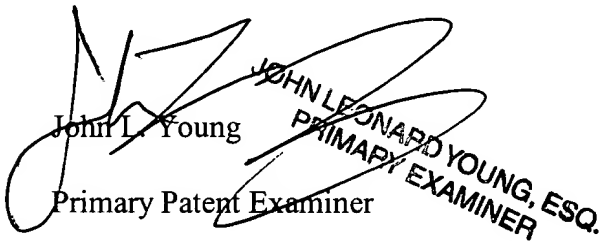
Seventh floor Receptionist
Crystal Park V
2451 Crystal Drive

Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801 or (571) 272-6725. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469 or (571) 272-6724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



John L. Young

Primary Patent Examiner

March 7, 2005